

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In Re:

LINDA MARIE CARTER,

Chapter 7

Debtor.

Case No: 18-10427-BFK

RESPONSE TO TRUSTEE'S MOTION TO APPROVE THE SALE OF REAL PROPERTY

NOW COMES The Bank of New York Mellon fka The Bank of New York, successor Indenture Trustee to JPMorgan Chase Bank, N.A., as Indentured Trustee for the CWHEQ Revolving Home Equity Loan Trust, Series 2005-K ("The Bank of New York Mellon"), a creditor herein, and submits the following in response to the Trustee's Motion to Approve the Sale of Real Property ("Trustee's Motion") filed herein on March 1, 2019:

1. That The Bank of New York Mellon is the beneficiary of a Deed of Trust lien on certain real property and improvements owned by the Debtor herein commonly known as 43336 Vestals Pl, Leesburg, VA 20176-8418 which the Trustee seeks to sell during the pendency of this case (the "Property").

2. That the Trustee's Motion alleges that a contract for sale has been entered into relative to the proposed sale for a gross sale price of \$875,000.00.

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3. That while The Bank of New York Mellon does not oppose an attempt by the Trustee to sell the aforementioned real property and improvements, The Bank of New York Mellon submits that the Trustee's Motion can only be approved upon the condition that the sale and closing comply with all terms and conditions outlined within the letter dated February 8, 2019, which letter provides for conditional approval of the proposed short sale of the Property and is identified as "Exhibit C" of the Trustee's Motion (the "Short Sale Approval Letter").

WHEREFORE, The Bank of New York Mellon, a secured creditor herein, by undersigned counsel, moves that the Trustee's Motion to Approve the Sale of Real Property only be approved upon the condition that the sale and closing comply with all terms and conditions outlined within the Short Sale Approval Letter; that as provided for in the Short Sale Approval Letter, The Bank of New York Mellon be permitted to void such approval if all terms and conditions outlined within the Short Sale Approval Letter are not met; and for such other and further relief as this Honorable Court deems appropriate.

THE BANK OF NEW YORK MELLON, FKA
THE BANK OF NEW YORK, SUCCESSOR
INDENTURE TRUSTEE TO JPMORGAN
CHASE BANK, N.A., AS INDENTURED
TRUSTEE FOR THE CWHEQ REVOLVING
HOME EQUITY LOAN TRUST, SERIES
2005-K

By /s/ Robyn D. Pepin
Of Counsel

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2019, a true copy of the foregoing Response was submitted for electronic transmittal to Janet M. Meiburger, Trustee, and was mailed, first class, postage prepaid, to Janet M. Meiburger, Trustee, at 1493 Chain Bridge Road, Ste 201, McLean, VA 22101 and to Linda Marie Carter, Debtor, at 43336 Vestals Place, Leesburg, VA 20176.

/s/ Robyn D. Pepin
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